

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MARIJA MIROSLAV RANDELOVIC,

Petitioner,

v.

ALEKSANDAR STOJANOVIC,

Defendant.

MOSMAN, J.,

No. 3:22-cv-00400-MO

OPINION AND ORDER

This matter comes before me on Petitioner Marija Miroslav Randelovic's Motion for Ex Parte Temporary Restraining Order Ne Exeat [ECF 6]. For the reasons stated below, the Motion is DENIED.

LEGAL STANDARD

Under the Federal Rules of Civil Procedure, "[t]he court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if: specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition and the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required." Fed. R. Civ. P. 65(b)(1)(A).

DISCUSSION

Here, Petitioner fails to demonstrate that immediate and irreparable injury, loss, or damage will result unless I grant a temporary restraining order *ne exeat*. In her motion, Petitioner states that her child, P.S., was wrongfully retained in Oregon as of September 11, 2021, by P.S.'s father (Petitioner's ex-husband), Defendant Aleksandar Stojanovic. Mot. [ECF 6] at 2. Petitioner also states that it is her belief that Respondent may "remove the minor child from this jurisdiction" and that notice to Respondent would create "immediate and irreparable injury, loss, and/or damage." *Id.* at 3, 7.


Petitioner fails to demonstrate immediate and irreparable injury, loss, or damage that may occur in either her motion or the accompanying declarations and affidavits. P.S. has been with Defendant in the United States for six months. Petitioner merely makes conclusory statements about immediate or irreparable harm occurring but fails to identify what that harm is and why circumstances have changed over the past six months to warrant the filing of this motion now. In making this ruling, I do not rule on the merits of a preliminary injunction.

CONCLUSION

For the reasons stated above, I DENY Petitioner's Ex Parte Motion for Issuance of Temporary Restraining Order *Ne Exeat* [ECF 6]. If Petitioner seeks a preliminary injunction she must provide notice to Defendant.

IT IS SO ORDERED.

DATED this 14 day of March, 2022.


MICHAEL W. MOSMAN
Senior United States District Judge